

Remarks

Election/Restrictions

The Examiner indicated that claim 24 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claim 24 depended on claim 18 and further included the limitation that the cells include spore-like cells. Claim 18 has been amended to include this additional limitation recited in claim 24, that the cells include spore-like cells. As indicated by the Examiner, claim 18 as amended is allowable.

Claim 1 has also been amended to recite all the limitations of claim 18.

It is noted that the Examiner acknowledged that upon allowance of the product claims, claims directed to the process of making or using the product, if amended to incorporate the same limitations will be rejoined with the elected claims. Claims 1-17 and 23 as amended now recite all of the limitations of allowable claim 18.

Rejection under 35 U.S.C §112

Claim 33 was rejected under 35 U. S. C. §112 second paragraph for being indefinite. Claim 33 has been amended to recite that the biological matrix is added to a shape, structure or support material. Support for this amendment can be found in the specification at least at page 4, lines 11-13. Claim 33 as amended is definite.

Rejections under 35 U.S.C. §102

Claims 18-22 were rejected under 35 U.S.C. 102(b) as disclosed by U.S. patent No. 5,716,404 to Vacanti, et al. Claims 18-19, and 21-22 were rejected under 35 U.S.C. 102(b) as

AMENDMENT AND RESPONSE TO OFFICE ACTION

disclosed by U.S. Patent No. 5,885,610 to Vacanti, et al. These rejections are respectfully traversed.

Claims 18-22 have been amended to include allowable subject matter. This rejection is now moot.

Other Amendments to the Claims

Claim 24 has been cancelled. Claims 25-27 and 31-31 which depended on claim 24 have been amended to depend from claim 18, which now recites all of the limitations of claim 24.

Allowance of all claims 1-33 is earnestly solicited.

Respectfully submitted,

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